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**JUN 17 2008**

**FACSIMILE TRANSMISSION 06/17/2008**

**TO 571 273 8300**  
**FROM 203 853 4803**

**Patent Application**

<b>Inventor</b>	<b>Carroll W. Creswell et al.</b>	
<b>Docket No.</b>	<b>1999-0549</b>	<b>Group Art Unit 2642</b>
<b>Serial No.</b>	<b>09/996,645</b>	<b>Confirmation No. 4060</b>
<b>Filing Date</b>	<b>11/28/2001</b>	
<b>Examiner</b>	<b>H.S. Hong</b>	
<b>Title</b>	<b>Consolidated Access And Administration Of Customized Telephone Calling Services</b>	

**ATTACHMENTS:**

- 1. Status Inquiry 2 pgs.**
- 2. Exhibits A-F 15 pgs.**

**Total 18 pgs. including this cover sheet**

Serial No. 09/996,645  
Submission dated June 17, 2008

Docket No. 1999-0549

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**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Patent Application**

Carroll W. Creswell et al.

**Docket No.** 1999-0549 **Group Art Unit** 2642**Serial No.** 09/996,645 **Confirmation No.** 4060**Filed** 11/28/2001**Examiner** H. S. Hong

**Title** Consolidated Access And Administration Of Customized Telephone  
Calling Services

**COMMISSIONER FOR PATENTS**

P.O. Box 1450

Alexandria, VA 22313-1450

**SIR:****STATUS INQUIRY**

Applicants' attorney hereby requests information on the status of the application.

1. The undersigned attorney was appointed as attorney in this application in a paper dated 3/9/2005 (Exhibit A) that was filed in the Patent Office on April 21, 2005 (Exhibit B).

2 The application became abandoned for failure to submit an issue fee within the time indicated on the Notice of Allowance.

3. A petition to revive was filed (Exhibit C) and supplemented (Exhibit D). Payment of the required issue fee accompanied the petition.

I hereby certify that this correspondence is  
being sent to the Commissioner for Patents by  
facsimile to facsimile no. 571-273-8300, on

June 17, 2008

[Signature]  
Signature

Joseph L. Lazaroff 06/17/2008  
Printed name Date of signature

Serial No. 09/996,645  
Submission dated June 17, 2008

Docket No. 1999-0549


4. The petition to revive was granted in a paper dated June 12, 2006 (Exhibit E). The paper granting the petition says: "The application is released to Publication Branch to be processed into a patent in due course."

5. The application has not issued as a patent. Applicants' attorney made a telephone inquiry to the Publications Branch, and was informed the application had not been received by the Publications Branch from the Office of Petitions and that an inquiry would be made.

6. The last paper in the application known to exist is an email status inquiry (Exhibit F) sent to [Pubscustomerservice@uspto.gov](mailto:Pubscustomerservice@uspto.gov) on November 2, 2006, to which no reply apparently was ever received.

Applicants respectfully request that the status of the application be investigated and the application issue as a patent. To respond to the status inquiry, or if there are any outstanding issues, the Examiner or Group Art Unit representative is invited to contact applicant's undersigned attorney at 203-838-8037.

Respectfully,  
Carroll W. Creswell et al.

By:   
Joseph L. Lazaroff, Attorney  
Reg. No. 23096  
Tel. 203-838-8037  
Fax 203-853-4803

Date: June 17, 2008  
Correspondence Address:  
AT&T Corp.  
Room 2A-207  
One AT&T Way  
Bedminster, New Jersey 07921

Serial No. 09/996,645

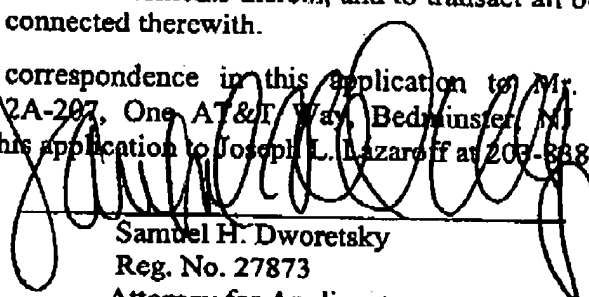
**Ex. A****IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE****RECEIVED  
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JUN 17 2008****PATENT APPLICATION**

Carroll W. Creswell et al.

**Docket No.** 1999-0549**Serial No.** 09/996,645**Group Art Unit** 2642**Filed** November 28, 2001**Confirmation No.** 4060**Examiner** H. S. Hong**Title** Consolidated Access And Administration Of Customized Telephone  
Calling Services**COMMISSIONER FOR PATENTS****P.O. Box 1450****Alexandria, Virginia 22313-1450****SIR:****REVOCATION OF ASSOCIATE POWER AND APPOINTMENT OF NEW  
ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS**

Revoking all associate powers of attorney heretofore given in the above-identified application, please recognize any of the attorneys associated with Customer Number 26652 of AT&T Corp., Bedminster, New Jersey, as attorneys in the above-mentioned application, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith. Please also recognize Joseph L. Lazaroff (Reg. No. 23096) as attorney in the above-mentioned application, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all written correspondence in this application to Mr. S. H. Dworetsky, AT&T Corp., Room 2A-207, One AT&T Way, Bedminster, NJ 07921. Please direct all telephone calls in this application to Joseph L. Lazaroff at 203-888-8037.

  
Samuel H. Dworetsky  
Reg. No. 27873  
Attorney for Applicants

Date: 3/9/2005  
AT&T Corp.  
Room 2A-207  
One AT&T Way  
Bedminster, New Jersey 07921

**Ex. B**

Docket No. 1999-0549

**Patent Application**

Inventor Creswell et al.

Docket No. 1999-0549

Serial No. 09/996,645

Filing Date 11/28/2001

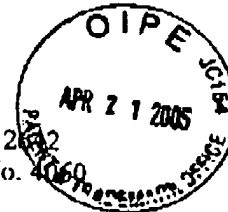
Examiner Harry S. Hong

Title

CONSOLIDATED ACCESS AND ADMINISTRATION OF  
CUSTOMIZED TELEPHONE CALLING SERVICES

Patent and Trademark Office Date Stamp acknowledges receipt of:

1. Response to Official Action dated December 17, 2004 with certificate of mailing
2. Request for Extension of Time, together with check for \$120 payable to Commissioner of Patents and Trademarks
3. Revocation of Associate Power and Appointment of New Attorney
4. Change of Correspondence Address



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Ex. C

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
1999-0549

First named inventor: Carroll W. Creswell

Application No.: 09/966,645

Art Unit: 2642

Filed: 11/28/2001

Examiner: Harry S. Hong

Title: CONSOLIDATED ACCESS AND ADMINISTRATION OF CUSTOMIZED TELEPHONE CALLING SERVICES

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)) Applicant claims small entity status See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply)

☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1400.00
- ☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(h). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hours in complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PYO-9189 and select option 2.

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PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**3. Terminal disclaimer with disclaimer fee**

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4 STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Joseph L. Lazaroff  
Signature

December 7, 2005

Date

Joseph L. Lazaroff

Typed or printed name

23098

Registration Number, if applicable

16 Yarmouth Road

Address

203 853 8037

Telephone Number

Rowayton, CT 06853

Address

Enclosures: ☒ Fee Payment \$1500 by PTO-2038 Credit card form

☒ Reply Issue Fee transmittal form, Issue Fee by PTO-2038

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Advance copy fee \$3 included on issue fee PTO-2038 form

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

December 7, 2005

Date

Joseph L. Lazaroff  
Signature

Joseph L. Lazaroff

Typed or printed name of person signing certificate

(Page 2 of 2)

The PTO did not receive the following  
listed item(s): NO CREDIT CARD FORM

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

(CURRENT CORRESPONDENCE ADDRESS (Order: Use Block 1 for any change of address))

7590 05/10/2003  
Mr. S.H. Dworetzky  
AT&T Corp. Room 2A-207  
One AT&T Way  
Bedminster, NJ 07921

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Joseph L. Lazaroff (Depositor's name)  
*Joseph L. Lazaroff* (Signature)  
December 7, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,645	11/28/2001	Carroll W. Creawell	1999-0549 02685/5447	4060

TITLE OF INVENTION: CONSOLIDATED ACCESS AND ADMINISTRATION OF CUSTOMIZED TELEPHONE CALLING SERVICES

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	08/10/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
HONG, HARRY S	2642	379-201010

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).  
☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, \_\_\_\_\_  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

AT&T Corp.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

New York, NY 10013

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies One

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.  
☒ Payment by credit card. Form PTO-2018 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name

Joseph L. Lazaroff

Date December 7, 2005

Registration No. 23096

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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# **CHANGE OF CORRESPONDENCE ADDRESS Application**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/888,645
Filing Date	11/28/2001
First Named Inventor	Carroll W. Creswell
Art Unit	2642
Examiner Name	Harry S. Hong
Attorney Docket Number	1999-0549

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with  
Customer Number:

26652

OR

☐ Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98)
- ☒ Attorney or agent of record. Registration Number 23098
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1) Registration Number \_\_\_\_\_

Signature

Typed or Printed  
Name

Joseph L. Lazaroff

Date December 7, 2005

Telephone 203 838 8037

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES ON COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 1999-0549

**Patent Application**

Inventor Creswell et al.

Docket No. 1999-0549

Serial No. 09/996,645

Filing Date 11/28/2001

Examiner Harry S. Hong

Title

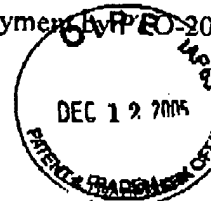
CONSOLIDATED ACCESS AND ADMINISTRATION OF  
CUSTOMIZED TELEPHONE CALLING SERVICES

Group Art Unit 2642

Confirmation No. 4060

Patent and Trademark Office Date Stamp acknowledges receipt of:

1. Petition to Revive with certificate of mailing, and \$1500 fee payment by PTO-2038
2. Issue Fee transmittal form, and \$1403 fee payment by PTO-2038
3. Change of Correspondence Address



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Docket No. 1999-0549

Appln. No. 09/996,645

Paper Dated June 8, 2006

Supplement to Petition For Revival filed December 12, 2005

I hereby certify that this correspondence is being sent by facsimile to the central facsimile no. **571-273-8300** of the Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, on

June 8 2006

Signature

Joseph L. Lazaroff  
Printed name06/08/2006  
Date of signature

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Patent Application**

Inventor Creswell et al.

Docket No. 1999-0549

Group Art Unit 2642

Serial No. 09/996,645

Confirmation No. 4060

Filing Date 11/28/2001

Examiner Harry S. Hong

Title CONSOLIDATED ACCESS AND ADMINISTRATION OF  
CUSTOMIZED TELEPHONE CALLING SERVICES

Attention: Office of Petitions

**Mail Stop Petition**

COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

**SUPPLEMENT TO PETITION FOR REVIVAL**

As a result of a telephone conversation today with Mr. John Gillon, attorney in the Office of Petitions, applicant's attorney learned that the petition filed December 12, 2005 contains a typographical error and requires this supplement to correct the error.

Appln. No. 09/996,645  
Paper Dated June 8, 2006  
Supplement to Petition For Revival filed December 12, 2005

Docket No. 1999-0549

Please the erroneous application number 09/966, 645 on the attached petition to the correct number 09/996,645. This corrected application number appears on the attached copy of the petition.

If there are any outstanding issues, the Office is invited to contact applicant's attorney at 203-838-8037.

Respectfully,

Carroll W. Creswell et al.

By: 

Joseph L. Lazaroff, Attorney

Reg. No. 23096

Tel. 203-838-8037

Fax 203-853-4803

Date: June 8, 2006

Correspondence Address:

**Mr. S. H. Dworetsky**

**AT&T Corp.**

**Room 2A-207**

**One AT&T Way**

**Bedminster, New Jersey 07921**

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PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

1999-0548

First named inventor: Carroll W. Creswell

Application No.: 09/966,645

09/996,645

Art Unit: 2642

Filed: 11/28/2001

Examiner: Harry S. Hong

Title: CONSOLIDATED ACCESS AND ADMINISTRATION OF CUSTOMIZED TELEPHONE CALLING SERVICES

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (Identify type of reply)

☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1400.00

☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10 05)

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4 STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Joseph L. Lazaroff  
Signature

December 7, 2005

Date

Joseph L. Lazaroff

Typed or printed name

23096

Registration Number, if applicable

18 Yarmouth Road

Address

203 838 8037

Telephone Number

Rowayton, CT 06853

Address

Enclosures: ☒ Fee Payment \$1500 by PTO-2038 Credit card form☒ Reply Issue Fee transmittal form, Issue Fee by PTO-2038☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Advance copy fee \$3 included on issue fee PTO-2038 form**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300

December 7, 2005

Date

Joseph L. Lazaroff  
Signature

Joseph L. Lazaroff

Typed or printed name of person signing certificate

(Page 2 of 2)

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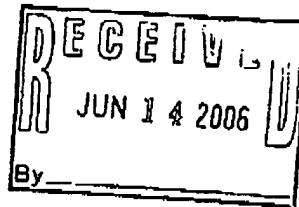
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**OFFICE OF PETITIONS**

In re Application of  
Creswell, et al.  
Application No. 09/996,645  
Filed: 28 November, 2001  
Attorney Docket No. 1999-0549//02685/5447

**ON PETITION**

This is a decision on a petition filed<sup>1</sup> on 12 December, 2005, under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

**NOTES:**

**There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.**

**As a result, the Notice of Change of Address filed on 12 December, 2005, has not been honored as of this writing.**

<sup>1</sup> The petition form carried Application No. 09/966,645, rather than the appropriate Application No. 09/996,645.

Application No. 09/996,645

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### BACKGROUND

The record indicates:

- Petitioner failed to reply timely to the Notice of Allowance/Allowability and Fees Due mailed on 10 May, 2005, with reply due under a non-extendable deadline on or before 10 August, 2005;
- the application went abandoned by operation of law after midnight 10 August, 2005;
- the Office mailed the Notice of Abandonment on 26 October, 2005;
- Petitioner filed the instant petition on 12 December, 2005—but the petition form carried an incorrect application number<sup>2</sup> and so was not addressed until this writing—with fee, reply in the form of the fees due, and made the statement of unintentional delay—thus, Petitioner appears to have satisfied the regulatory requirements under 37 C.F.R. §1.137(b).

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>3</sup>

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.<sup>4</sup>

Delays in responding properly raise the question whether delays are unavoidable.<sup>5</sup> Where there is

<sup>2</sup> The petition form carried Application No. 09/966,645, rather than the appropriate Application No. 09/996,645

<sup>3</sup> 35 U.S.C. §133 provides:  
35 U.S.C. §133 Time for prosecuting application.  
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>4</sup> Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

<sup>5</sup> See: *Changes to Patent Practice and Procedure, Final Rule Notice*, 62 Fed. Reg. at 53138-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).



Application No. 09/996,645

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a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).<sup>6</sup> And the Petitioner must be diligent in attending to the matter.<sup>7</sup> Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.<sup>8</sup>))

Allegations as to  
Unintentional Delay

The requirements for relief under the provisions of 37 C.F.R. §1.137(b) are: petition, fee, reply, showing of unintentional delay, and—where appropriate—a terminal disclaimer and fee.

It appears that Petitioner has satisfied the requirements of the regulation.

-----  
CONCLUSION  
-----

Because Petitioner appears to have satisfied the regulatory requirements, regulation, the petition under 37 C.F.R. §1.137(b) is granted.

The application is released to Publications Branch to be processed into a patent in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

cc: Joseph L. Lazaroff, 16 Yarmouth Road, Rowayton, CT 06853

<sup>6</sup> See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'n Pms. 1989).

<sup>7</sup> See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

<sup>8</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

**Ex. F**

Page 1 of 1

**Joseph Lazaroff**

**From:** Joseph Lazaroff (lazaroff@optonline.net)  
**Sent:** Thursday, November 02, 2006 6:56 PM  
**To:** 'Pubscustomerservice@uspto.gov'  
**Subject:** Status Inquiry SN 09/996,645

This is a status inquiry regarding the allowed application SN 09/996,645 of Creswell, et al., filed 28 November, 2001, entitled CONSOLIDATED ACCESS AND ADMINISTRATION OF CUSTOMIZED TELEPHONE CALLING SERVICES.

A petition to revive was granted June 12, 2006, and the decision stated that "The application is released to Publications Branch to be processed into a patent in due course."

The application does not appear to have been issued.

Applicant requests information regarding the current status of the application.

Respectfully,  
Carroll W. Creswell et al.

By Joseph L. Lazaroff, Attorney  
Reg. No. 23096

Law Offices of Joseph L. Lazaroff  
16 Yarmouth Road, Rowayton, CT 06853 USA  
Tel: 203.838.3037  
Fax: 203.853.4803  
Mobile: 908.693.0552